

Remarks:

Claims 1-6 and 8-15 are now pending in this application. The Examiner has allowed claims 1-6, 8, and 15. Applicants have amended claim 9 and cancelled claim 13 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner previously rejected claims 9-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,293,416 to Keoteklian.

Applicants have amended claim 9 to recite that that circulation of fluids between the inner space of the hood and the fluid containment space exterior of the hood affects essentially only fluids in a lower part of the fluid containment space and essentially does not affect fluid in an upper part of the fluid containment space. Keoteklian does not disclose the present invention as recited in claim 9 since, among other things, Keoteklian does not disclose a method that includes directing a part of the fluids that enter an inner space of the hood to flow from said inner space directly back to the fluid containment space exterior of the hood in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space through at least one outlet opening provided on the first side of the hood on a level above the respective inlet opening. On the contrary, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone.

Keoteklian discloses a structure that directs fluid upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. The fluid then is directed downwards

to clarified waste water zone as described at col. 8, lines 63-68. Additionally, Keoteklian does not disclose directing fluid from outside the hood toward at least one opening in the hood.

Also, Keoteklian does not disclose a method for removing solids from a fluid containment space within a separator vessel for separating liquids. Rather, Keoteklian discloses mixing of liquids.

In view of the above, Keoteklian does not disclose the present invention as recited in claim 9 or claims 10-12 and 14, which depend from claim 9.

In view of the above, Keoteklian does not disclose all elements of the present invention as recited in claims 1-6 and 8-14. Since Keoteklian does not disclose all elements of the present invention as recited in claims 1-6 and 8-14, the present invention, as recited in claims 1-6 and 8-14, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (Fed. Cir. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicant respectfully requests withdrawal of the rejection based upon the cited reference.


In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicant urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

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